REMARKS

Status of the Application

Applicants have amended Page 20 of the specification to refer a reference number that was included in the drawings, but previously not discussed in the specification, and have amended Claims 1, 2, 5, and 6 to correct a typographical error in the form of the claim; the amendments to the claims were not directed to any aspect pertaining to the patentability of the claims.

Objection to the Drawings

The Examiner has objected to the drawings under 37 CFR § 1.84(p)(5). Specifically, the Examiner noted that in FIGURE 9, the reference number "912" is included but is not mentioned in the specification of the present application. The Examiner suggested that a drawing correction could be entered to delete this reference number, but instead, applicants have elected to amend page 20 of the specification to mention reference number 912. Given the context of the drawing and the very brief added sentence that refers only to the reference number indicating the end of the method, it should be apparent that this change to the specification does not add new matter.

Claims Rejected Under 35 USC § 102

The Examiner has rejected Claims 1, 2, 5-9, 12-15, 18-22, 25, and 26 as being anticipated by U.S. Patent No. 6,085,184 (Bertrand et al. – hereinafter referred to as "Bertrand"). In regard to Claim 1, the Examiner asserts that Bertrand "teaches a method for providing a selection of properties for an electronic document associated with an application program." The Examiner then asserts Claims 1, 2, and 3 of Bertrand teach the steps recited by applicants in their Claim 1. Similarly, in regard to the rejection of the claims dependent upon Claim 1, the Examiner cites to the claims of Bertrand and to Figure 11 of Bertrand. In regard to the rejection of these dependent claims, the Examiner heavily relies upon the reference in Bertrand to the use of "a dynamic toolbar that contains information that is context sensitive." (See column 2, lines 11-12 of Bertrand.) Similarly, in his rejection of independent Claim 14, and of Claims 15-26, which ultimately depend upon Claim 14, the Examiner applies the reference in the same manner as applied in regard to Claim 1. Applicants respectfully disagree with the Examiner's position and fail to see any justification for this rejection, in view of the teachings of Bertrand.

The following discussion focuses primarily on independent Claims 1 and 14. Contrary to the Examiner's assertion, Bertrand does not teach "a method for providing a selection of properties for an

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electronic document associated with an application program having a user interface," or a system that carries out the step of such a method, like that defined by applicants in independent Claim 14. Instead, Bertrand is directed to a goal based learning system that uses a rule based expert training system for training a student. In column 1, line 63 through column 2, line 14, Bertrand explains that the training system "provides the user with a simulated environment that presents a business opportunity to understand and solved optimally." Further, this portion of the reference cited by the Examiner explains that the system disclosed by Bertrand uses an artificial intelligence engine to provide individualized and dynamic feedback "with synchronized video and graphics used to simulate real-world environment and interactions." As noted above, this portion of Bertrand also refers to a dynamic toolbar "that is context sensitive." However, nothing within the disclosure of Bertrand would lead one of ordinary skill in the art to understand that this reference is in any way related to "providing a selection of properties for an electronic document associated with an application program having a user interface." In contrast, applicants' invention is directed to an application program such as a word processing program in which a document is created by a user in electronic form.

The method defined by applicants in Claim 1 provides for "determining a context for the electronic document." The Examiner asserts that subparagraph (a) of Claim 1 in Bertrand teaches this step. However, Bertrand actually recites "accessing the information in the spreadsheet object component of the rule-based expert system to retrieve indicia representative of a goal and presenting the goal on a display." In the specification, applicants have clearly indicated that determining the context refers to determining whether the document has textual content, formatting content, or graphical content. In contrast, Bertrand's claim is directed to retrieving data referred to as "indicia" from a spreadsheet object component that is part of a rule-based expert system. Retrieving data from a spreadsheet object component is not in any way equivalent to determining the context of an electronic document. In Bertrand, predefined indicia data are retrieved from a spreadsheet component and in applicants' claimed invention, the nature of the electronic document is determined.

Applicants next recite the step of "determining a status of a property for the electronic document." The Examiner refers to subparagraph (c) of Claim 1 in Bertrand which recites "monitoring answers to questions posed to evaluate progress of a student toward the goal utilizing the spreadsheet object component of the rule-based expert system and providing dynamic, goal-based,

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remediation learning information feedback from a remediation object components a knowledge system and a software tutor *(sic)* comprising an artificial intelligence engine which generates individualized coaching messages that further assist the student in accomplishing the goal." Essentially, this subparagraph of Bertrand refers to evaluating the answers provided by a student, and based upon the answers provided, dynamically providing appropriate information feedback and assistance to the student to achieve an educational goal. Applicants are hard pressed to understand how the Examiner believes this step recited by Bertrand in any way relates to determining a status of a property for an electronic document. If the Examiner is suggesting that the spreadsheet object component is equivalent to the "electronic document" recited in applicants' claims, it is not apparent how monitoring the answers provided by a student to questions in any way relates to determining a property of the spreadsheet object component, since the answers provided by the student do not correspond to a property of the spreadsheet object component.

Applicants' Claim 1 next recites "based upon the context of the electronic document and the status of the property, creating a palette for the user interface so that the palette comprises a control for an available property; and displaying the palette in conjunction with the electronic document on the user interface." As a basis for his assertion that Bertrand teaches this portion of applicants' claimed invention, the Examiner cites to Bertrand's Claim 1, subparagraph (e), and to Claims 2 and 3 in regard to creating a palette, and cites to Bertrand's Figure 11, and column 27, lines 54-64 of Bertrand in regard to displaying the palette in conjunction with the electronic document on the user interface. However, subparagraph (e) of Claim 1 in Bertrand recites "providing a dynamic toolbar on the display to assist the student with achieving the goal the dynamic toolbar configured and displayed based upon information stored in the spreadsheet object component." Claim 2 of Bertrand further provides that "the dynamic toolbar is instantiated from information in a database," and Claim 3 recites that "the dynamic toolbar is context-sensitive to the business simulation."

Thus, the portions cited by the Examiner from Claim 1 and Claims 2 and 3 of Bertrand actually teach away from the invention recited by applicants. Applicants' Claim 1 expressly states that a palette is created for the user interface and comprises a control for an available property, "***based upon the context of the electronic document and the status of the property***." (Emphasis added.) As noted above, the Examiner has implied that the "spreadsheet object component" recited in Claim 1 of Bertrand corresponds to the "electronic document" recited in applicants' claims.

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Accordingly, to anticipate applicants' recited invention, Bertrand would have to determine both the context of the spreadsheet object component and a property of the spreadsheet object component, and then carry out the step of "creating a palette for the user interface so the palette comprises a control for an available property." Further, it appears that the Examiner is asserting that the "dynamic toolbar" mentioned in subparagraph (e) of Claim 1 in Bertrand and in Claims 2 and 3 of Bertrand corresponds to the palette recited in applicants' claims. However, Claim 2 of Bertrand states that the "dynamic toolbar is instantiated from information in a database," which is not in any way equivalent to applicants' creating a palette for a user interface "based upon the context of the electronic document and the status of the property." Furthermore, Claim 3 in Bertrand simply indicates that the dynamic toolbar is context-sensitive "***to the business simulation***." The dynamic toolbar is therefore not based upon the context of the spreadsheet object component or of any property of the spreadsheet object component. In regard to "displaying the palette in conjunction with the electronic document on the user interface," column 27, lines 54-64 simply teach that "a toolbar" is used for navigating and accessing application level features, such as navigating. Contrary to the Examiner's assertion, Bertrand does not indicate that the toolbar referred to in Figure 11 Bertrand is a dynamic toolbar like that referenced in Claims 1, 2, and 3 of Bertrand. In any case, the toolbar shown in Figure 11 is not displayed "in conjunction with the electronic document" if the electronic document, as the Examiner asserts, corresponds to the spreadsheet object component recited in Bertrand's claims. Column 27 in Bertrand does not in any way suggest that the spreadsheet object component is displayed in conjunction with the toolbar referenced in Figure 11 of Bertrand. Figure 11 includes tabular entries, but there is no suggestion in Bertrand that anything shown in Figure 11 is the spreadsheet object component otherwise recited in the claim, which the Examiner asserts corresponds to applicants' recited electronic document. There is simply no teaching in Bertrand of displaying a dynamic toolbar in conjunction with the spreadsheet object component.

Accordingly, it is apparent that Bertrand fails in any way to teach or suggest steps corresponding to those recited in Claim 1 by applicants. The Examiner should thus withdraw this rejection in connection with Claim 1. Similarly, since Claim 14 includes a processing unit that carries out functions comparable to those recited in Claim 1, it will also be apparent that Bertrand fails to teach or suggest the invention recited by Claim 14. Thus, the rejection of Claims 1 and 14, and each of the dependent claims depending thereon, should be withdrawn by the Examiner.

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Claims Rejected as Obvious Under 35 USC § 103(a)

The Examiner has rejected Claims 3, 4, 16, 17, and 27 as unpatentable over Bertrand in view of U.S. Patent No. 6,057,836 (Kavalam et al. – hereinafter referred to as "Kavalam"). As noted above, the Examiner relies upon Bertrand for teaching the method of Claim 1 in rejecting Claim 3, while acknowledging that Bertrand does not teach resizing a palette. However, the Examiner asserts that Kavalam teaches a resizable palette at column 4, lines 1-5. But, for the reasons already noted, Bertrand fails to teach the invention as defined by applicants' Claim 1 or Claim 14, and therefore, each of Claims 3, 4, 16, and 17 are patentable for at least the same reasons as Claims 1 and 14. Also, in regard to Claim 3, applicants note that the claim does not recite the step of **enabling a user** to size the palette so that the palette and the electronic document can be simultaneously viewed. Instead, the language of Claim 3 indicates that the palette is resized – independent of the user – to fit the palette and the electronic document on the display viewed by the user. Bertrand and Kavalam together do not teach the step recited in Claim 3. The same comment applies to Claim 4, which depends on Claim 2, but is otherwise similar to Claim 3.

Also, Claims 16 and 17 are generally analogous to Claims 3 and 4, respectively, and are patentable both because Claim 14 is patentable for the reasons noted above, and because Kavalam only discloses that a user resizes a composite toolbar, as opposed to a palette being resized independent of user action. In rejecting independent Claim 27, the Examiner again relies upon Bertrand, generally citing the same portions of Bertrand, including subparagraphs of Bertrand's Claim 1. Also, the Examiner again relies upon Kavalam for "sizing the modified palette so that the modified palette and the electronic document can be simultaneously viewed." Here again, Kavalam only discloses ***enabling the user*** to size the composite toolbar and does not teach or suggest that a processing unit executing computer-executable instructions carries out that step, as recited by applicants in Claim 27. Applicants' automated resizing of the modified palette to enable the modified palette and the electronic document to be simultaneously viewed is not the same as a user manually sizing a composite toolbar. Therefore, the Examiner's rejection of Claim 27 is totally unfounded both for the reasons already discussed in regard to Bertrand, and also for the reasons noted above in connection with Kavalam, which only teaches enabling a user to size a composite toolbar.

The Examiner has rejected Claims 10 and 23 as unpatentable in view of U.S. Patent No. 5,241,624 (Tuniman et al. – hereinafter referred to as "Tuniman"). The Examiner cites to

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column 4, lines 21-24 in Tuniman, which describe Figure 6 as showing a floating stacked toolbar. Although floating toolbars are known in the art, the Examiner has not cited to a reference that specifically refers to a floating palette, which is not the same as a floating toolbar. Unlike a toolbar, a palette like that disclosed by applicants includes a plurality of different types of input elements for controlling formatting and the like. In any case, Claim 10 depends upon Claim 1, which is patentable for the reasons already noted. The same comments apply to Claim 23, which is generally consistent with Claim 10, but depends upon Claim 18 and thus is ultimately dependent upon independent Claim 14. Accordingly, it will be apparent that Claim 23 is also patentable.

Claims 11 and 24 have been rejected as unpatentable over Bertrand in view of U.S. Patent No. 5,241,624 (Torres). The Examiner acknowledges that Bertrand does not teach the user interface that comprises a property browser palette window. However, the Examiner asserts that column 4, lines 40-49 in Figures 5 and 8 teach a property browser palette window. Nevertheless, Claims 11 and 24 are both patentable for the same reasons as Claim 27, as noted above.

In consideration of the preceding remarks, it will be apparent that all claims currently pending the present application are patentable over the art cited by the Examiner. Therefore, the Examiner is requested to pass the present case to issue without further delay. Should any further issues remain unresolved, the Examiner is invited to telephone applicants' attorney at the number listed below.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 6, 2003.

Date: October 6, 2003

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